

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
GABINO GENAO,

Plaintiff,

-v-

CITY OF NEW YORK; C.O. MARSHA LYNCH; C.O.  
DREW WILLIAMS; C.O. ANTHONY MORALES JR.;  
CAPT. PHILLIPS; C.O. KRISTINA FORD, RHU DR. HO;  
and CAPT. KEISHA LEMON,

Defendants.

CIVIL ACTION NO.: 20 Civ. 6507 (PGG) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge:

The Clerk of Court is respectfully directed to mail (i) a copy of **this Order**, and (ii) the annexed transcript of the December 20, 2018 Infraction Hearing, to Mr. Genao at the address below.

Dated: New York, New York  
July 6, 2022

SO ORDERED.

  
\_\_\_\_\_  
**SARAH L. CAVE**  
United States Magistrate Judge

Mail To: Gabino Genao  
ID#22B1480  
Attica C.F.  
P.O. Box 149  
Attica, NY 14011-0149

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
GENAO, : Docket #20cv6507  
 :  
Plaintiff, :  
 :  
- against - :  
 :  
CITY OF NEW YORK, et al., : New York, New York  
 : December 20, 2018  
Defendants. :  
----- : INFRACTION HEARING

INTERVIEW BETWEEN CAPTAIN KELECIA PHILLIPS  
AND GAMBINO GENAO (PLAINTIFF)

Transcription Service: Carole Ludwig, *Transcription Services*  
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New York, New York 10009  
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Proceedings recorded by electronic sound recording;  
Transcript produced by transcription service.

USUAL APPEARANCES AT CONFERENCES AND HEARING:

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For Defendants: NEW YORK CITY LAW DEPARTMENT  
BY: CAROLINE MCGUIRE, ESQ.  
100 Church Street  
New York, NY 10007

INDEX

E X A M I N A T I O N S

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- Direct</u>	<u>Re- Cross</u>
None				

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
None				

1  
2 CAPTAIN KELECIA PHILLIPS: Genao Gambino, NIC,  
3 today is December 20, 2018. The time now is  
4 approximately 12:13 hours. I'm Captain Phillips of the  
5 1448 (inaudible) Unit. Sir, state your name and  
6 booking case number for the record.

7 MR. GENAO GAMBINO (THE PLAINTIFF): Gambino,  
8 Genao, 1131700734.

9 CAPTAIN PHILLIPS: Your name and booking case  
10 number has been confirmed with the report and notice of  
11 infraction as well as the MA lookup service. We are  
12 here today reconvening a hearing which was placed in  
13 adjournment by you on October 31, 2018, Folder Number  
14 C164, and which was placed in adjournment for the  
15 following statements.

16 THE PLAINTIFF: Can I object to something --

17 CAPTAIN PHILLIPS: Let me finish, sir. Let me  
18 finish. No, you can't, let me finish. At which time  
19 you asked for a statement from Captain Lemmon  
20 (phonetic) and the question was when you seen Inmate  
21 Genao and -- when you seen Inmate Genao, why did you  
22 allow CO Ford to walk me in the crib knowing I was not  
23 from that housing area? Captain Lemmon states was on  
24 vacation, the captain verbally stated I contacted the  
25 sec intake and was notified that Inmate Genao was a,

1  
2 being secured who was to be escorted to Housing Area  
3 9B. The statement was given to Deputy Warden Calloway.

4 I have a statement from CO Lynch shown on  
5 8996, what did you tell CO Morales about putting me in  
6 the housing area, ICO Lynch never spoke nor seen CO  
7 Morales on October 25, 2018, what is my SRG status?  
8 Genao Gambino is Trinitarian OAD. What housing area  
9 did I come from? Genao Gambino was housed in 10B  
10 before going to the beam (phonetic).

11 Statement from CO Ford, why did you walk me to  
12 the crib knowing I was not from the housing area? As  
13 the (inaudible) building escort I was authorized to  
14 bring inmate to his assigned house, not building B  
15 side.

16 After the search did you find any contraband  
17 in intake? ICO Ford, I was not in the intake.

18 Statement from CO Morales, 14587, what housing  
19 area did you tell me I was going? (inaudible) write-up  
20 form said inmate that he was going to now B.

21 Why did, what did CO Lynch tell you to inform  
22 me of? CO Lynch did not speak to (inaudible) about  
23 anything returning to said inmate.

24 I have the statement from the Inmate Jaquan  
25 (phonetic), Booking Case 3491611791, the question is

1  
2 did I cut you, did I slash you on November 2, 2018, at  
3 0730 hours? Inmate (inaudible) Jaquan, 349161179,  
4 refused to provide a written statement but verbally  
5 that MF must be crazy, leave me alone with that BS, I  
6 don't write statements. Refusal was logged on page 151  
7 and the intake by Brooklyn House by CO Leeds, 10148.

8 Also, Gentech angle 11.1 (inaudible) view of  
9 which I have the still shots of the incident. This is  
10 your entering the housing area. Photo number two,  
11 three, photo four, photo five, photo six --

12 THE PLAINTIFF: Excuse me, can I ask --

13 CAPTAIN PHILLIPS: Let me finish, sir. Can I  
14 finish? Photo seven, photo eight, photo nine, ten,  
15 eleven, twelve, thirteen, fourteen, fifteen, sixteen,  
16 seventeen, eighteen, nineteen, twenty, twenty-one,  
17 twenty-two, twenty-three and twenty-four. That's all  
18 the documentation I have, is there anything else you  
19 would like to add?

20 THE PLAINTIFF: Yes, I'd like to address  
21 (inaudible) hearing. I never signed the waiver  
22 (inaudible) signed that day and you said I wasn't  
23 available to sign, which I was available to sign for. I  
24 never gave you, how do you say, I never basically gave  
25 you waiver or authorization to extend the hearing

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because I was available to sign that day, you didn't give me the opportunity to sign, you never stated that on the record.

The photos that are taken that I see don't show, don't have any, don't show any supporting evidence towards the substantiated -- it doesn't substantiate the ticket. That angle that they had is too far away from the incident. There's cameras that are right next to where that incident took place and I would like copies of those photos, as well.

The officers didn't, I would like to actually dispute the testimony that I was given to, that the question that I asked (inaudible) as well, because they basically (inaudible) putting me in a housing area knowing I don't go in that housing area and they basically wanted either something to happen to me, they basically, like, you know, my life in jeopardy, my safety at risk and I would like photos of, copies of all documentation referring to this ticket, as far as the pictures, as well, are concerned, as well.

CAPTAIN PHILLIPS: Duly noted, I will definitely take your testimony into consideration on the supporting documentation, there will be a decision rendered within one to five business days. If you do



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2 not agree you can appeal within two days. And this  
3 concludes this hearing.

4 (end of recording)

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C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of the infraction hearing in the case of Genao v. City of New York et al, Docket #21cv6507, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Carole Ludwig

Date: July 5, 2022